

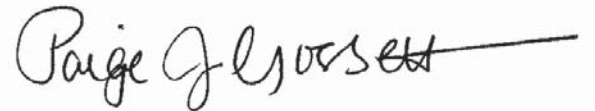


order or the court may dismiss his case for failure to prosecute. No response to the order of November 25, 2008, has been received from the plaintiff.

### **RECOMMENDATION**

Accordingly, it is recommended that the District Court dismiss the above-captioned case without prejudice and without issuance and service of process because the plaintiff has not complied with the court's order of November 25, 2008. See In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants, 3:07-MC-5015-JFA (D.S.C., Sept. 18, 2007).

January 5, 2009  
Columbia, South Carolina

A handwritten signature in black ink, reading "Paige J. Gossett", followed by a horizontal line.

Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE

*The plaintiff's attention is directed to the important Notice on the next page.*

### **Notice of Right to File Objections to Report and Recommendation**

The plaintiff is advised that he may file specific written objections to this Report and Recommendation with the District Court Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** In the absence of a timely filed objection, a district court judge need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

**Larry W. Propes, Clerk  
United States District Court  
901 Richland Street  
Columbia, South Carolina 29201**

**Failure to timely file specific written objections to this Report and Recommendation will result in the waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984); and Wright v. Collins, 766 F.2d 841 (4th Cir. 1985).